

**ORDINANCE NO. 2005-43-CM
AMENDED**

**AMENDING TIPPECANOE COUNTY CODE
REPEALING SECTION 31.123 and ADDING NEW SECTION 31.123**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF TIPPECANOE COUNTY AND THE TIPPECANOE COUNTY COUNCIL
ESTABLISHING FEES FOR ELECTRONIC DATA PRODUCTS AND SERVICES;
RESTRICTING COMMERCIAL REPRODUCTION OF ELECTRONIC DATA; AND
ESTABLISHING ELECTRONIC MAP GENERATING FUND**

WHEREAS, the Board of Commissioners of Tippecanoe County is authorized to establish a fee for copies of electronic data by the provisions of Indiana Code 36-1-3-8(a)(6); and,

WHEREAS, Indiana Code 5-14-3-2 defines the “direct costs” that may be charged by a unit for providing a duplicate of electronically stored data onto a disk, tape, drum, or other medium of electronic data retrieval; and,

WHEREAS, Indiana Code 5-14-3-8(g) establishes a fee that a public agency may charge to copy and provide duplicate records and records maintained in electronic medium; and,

WHEREAS, Indiana Code 5-14-3 provides that the fiscal body shall adopt an Ordinance to establish a fund for the deposit and use of funds collected for duplication of electronic data; and,

WHEREAS, the Board of Commissioners of Tippecanoe County enacted Ordinance No. 2002-31-CM, now codified as Tippecanoe County Code Section 31.123, providing in part for the establishment of fees and charges for Electronic Data Products and Services;

WHEREAS, the Board of Commissioners of Tippecanoe County desires to amend Tippecanoe County Code Section 31.123 as it relates to the fees and charges for electronic data products and services; and,

WHEREAS, it is in the best interests of the citizens of Tippecanoe County that both the Tippecanoe County Council and the Board of Commissioners of Tippecanoe County approve the terms of this Ordinance to conform with the terms of Indiana Code 5-14-3.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Tippecanoe County, Indiana, that the Tippecanoe County Code be amended to repeal section 31.123 and add a new section 31.123 reading as follows:

§ 31.123 SCHEDULE OF FEES AND CHARGES.

(A) *Uniform schedule established.* There is hereby established a uniform schedule of charges and fees that Tippecanoe County shall charge for the provision of products and services to the general public for plots, data dissemination and data analysis.

(B) *Small data sales.* Any maps or data requests that require data import, data creation or map layer creation for precise areas or precise selected data, shall be billed on a time and material basis. The fee for each such data request shall include the following:

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(1) An initial charge of \$15 per request as the minimum contribution toward the county's cost of hardware, software, collection and maintenance of the electronic stored data.

(2) A charge of \$25 per hour to partially compensate the county for labor costs, including benefits, and overhead costs for storing and maintaining the data, rounded up to the nearest quarter hour.

(3) The following shall be charged for inkjet plotter costs. These charges will be based on the width of the stock paper available at the Department times the length used, and not the size of the original:

High gloss white film or matte film	\$3.00 per square foot
High gloss photo paper	\$0.90 per square foot
Coated paper or heavy coated paper or natural tracing paper	\$0.50 per square foot

(4) Electronic data reproduced on laser, ink jet printing, or any other copies shall be sold as follows:

8-1/2 x 11	\$0.50 per sheet per side
8-1/2 x 14	\$0.50 per sheet per side
11 x 14-7/8	\$1.00 per sheet one side
11 x 17	\$1.00 per sheet one side

(5) One dollar per page for copies of microfilmed documents maintained by the county.

(6) One dollar per floppy disk.

(7) Seven dollars per blank CD or DVD.

(8) For any other medium, the charge shall be the county's direct cost, rounded up to the next highest full dollar.

(C) *Large data sales.* The fees for the purchase of individual or the entire Tippecanoe County GIS data layers shall be as follows: (please note the following is for vector, raster formats)

Data Layer	Description	Price
Cadastral	Parcel	\$1,000 for countywide data
Topography	2' Contours	\$300 for countywide data
Digital Orthophotography	2005 Color	\$1.00 per tile
Digital Orthophotography (Mrsid format available)	(2354 Tiles) 2002 B/W	\$1.00 per tile (2500' x 2500' tiles)*
Digital Orthophotography	(948 Tiles) 1997 B/W	\$1.00 per tile (400 tiles @ 2500' x 2500' tiles and 548 @ 5000' x 5000' tiles)*
Water Features	Surface Water Features, Rivers, lakes, ponds, streams	\$300 for countywide data
Transportation	Public Roads, Streets, bridges, airports, railways	\$300 for countywide data
Boundaries	County, City, Townships	\$300 for countywide data
Section Corners	Surveyors	No Charge
Soils	USDA	No Charge
Election	Voting Precincts/ Elected Official Districts	\$300 for countywide data

*Digital orthophotography for 1997 and 2002 will be free of charge once the 2005 color Orthophotography becomes available.

The fee for purchase of a portion of the Tippecanoe County Parcel (tax/assess) data in .xls format shall be as follows:

Data	Description	Price
Tax/Assess	Parcel Extract	\$300

1. The charges set forth above shall permit the purchaser of the data to purchase updates every 6 months or upon request, subject to availability at \$300/per request.

(D) *Reimbursement for mailing costs (not including copy costs).*

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|-----|--|---------------------|
| (1) | Less than or equal to 4 oz. and postage; | \$0.50 for envelope |
| (2) | First class greater than 4 oz., and less than or equal to 2 lbs. | \$5.00 |
| (3) | All other | cost plus \$5.00 |

(E) *Limitation on Enhanced Access.* Nothing herein shall be construed to require any employee of Tippecanoe County to create information that is not contained in a readily available

public document. Department heads and elected officials may, but are not required to electronically create and release information that is not already publicly available.

(F) *Telephone requests.* Nothing herein shall be construed to require any county employee to provide information contained on or within a public document of an agency or department by telephone. Department heads and elected officials may, but are not required to, take requests for documents by phone.

(G) *Court records limitation.* In compliance with Indiana Administrative Rule 9 Section F, employees of Tippecanoe County are prohibited from providing bulk court records or compiled court information in electronic format.

(H) *Methods of payment.*

(1) Payment for information under this section shall be made at the time of delivery.

(2) However, an office may agree to invoice a person for the charge, if that person or company has promptly paid invoices in the past.

(3) Any person, or their designee, requesting data shall be liable for the total charges for the request.

(4) Any person, or their designee, who fails to pay the charges shall be liable for the charges, plus interest, attorney's fees, and costs of collection.

(I) *Conflicts with state statute.*

(1) Nothing herein shall compel any office to charge a fee for copies, if the fee imposed by this section is contrary to state law.

(2) In the event the fees in this section are contrary to any charges established by state statute, the state statute shall apply.

(J) *Restriction.*

(1) Pursuant to the provisions of I.C. 5-14-3-3(e), no person other than those authorized by the county may reproduce, store, grant access, deliver, or sell any information obtained from any department or office of the county to any other person, partnership or corporation.

(2) In addition, any person who receives information from the county shall not be permitted to use any mailing lists, addresses, or data bases for the purpose of selling, advertising, or soliciting the purchase of merchandise, goods or services, or to sell, loan, give away or otherwise deliver the information obtained by the request to any other person.

(K) *Posting of restriction.*

(1) A copy of division (J) shall be conspicuously posted in all offices where electronic data is sold.

(2) The restriction contained in division (J) shall apply to any persons who obtain copies of any public information from the county.

(L) *Penalty.*

(1) Any person who violates the terms and conditions of this section, by failing to pay or violating division (J), shall be guilty of an infraction and may be fined up to \$2,500.00.

(2) Each violation of division (J) shall be deemed a separate offense.

(M) *Depositing of fees.* All fees collected under this section shall be deposited in the County Electronic Data Fund established pursuant to Tippecanoe County Code Section 34.62.

(N) *No charge for units of county government.* Any unit of county government, which has provided electronic data used by the county to create the electronic data covered by this section, shall receive copies of the data for that unit's exclusive use free of charge.

(O) *Relief.*

(1) Any person or unit of government who has a dispute, or seeks relief from the terms of this section, may seek resolution of that dispute or relief from the Board of Commissioners of Tippecanoe County.

(2) The Board of Commissioners may grant such relief as is reasonable after recommendation of the County's MITS Director.

(Ord. 2002-31-CM, passed 8-19-02; Ord. 2005-43-CM, passed -05)
Cross-reference: County Electronic Data Fund, see § 34.62

This Ordinance shall be in full force and effect on the 1st day of December, 2005.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 17th day of October, 2005, by the following vote:

VOTE	BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY
Yes	_____
	KD Benson, President
Yes	_____
	John L. Knochel, Vice President
Absent	_____
	Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor of
Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 7th day of November, 2005, by the following vote:

VOTE	BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY
Yes	_____
	KD Benson, President
Yes	_____
	John L. Knochel, Vice President
Yes	_____
	Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor of
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